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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fifteenth periodic report of States parties due in 1998

Addendum

Iceland*

[8 April 1999]

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* This document contains the fifteenth periodic report due on 4 January 1998. For the fourteenth periodic report of Iceland and the summary record of the meeting at which the Committee considered that report, see documents CERD/C/299/Add.4 and CERD/C/SR.1202.

The information submitted by Iceland in accordance with the consolidated guidelines for the initial part of the report of States parties is contained in HRI/CORE/1/Add.26.

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I. GENERAL OBSERVATIONS

1. In the following a general description will be presented of the most important laws enacted and measures taken during the three years which have passed since Iceland's fourteenth report on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination was concluded in February 1996. The account will be confined to the legal reforms or other measures and decisions on policy-making carried out or planned since then, which are of an important nature and have a bearing upon the implementation of the Convention in Iceland. Matters relating to the individual provisions of the Convention are discussed in Part II. No discussion will be presented of matters concerning the individual provisions of the Convention where no legislative amendments have been effected or measures taken and the situation in other respects is unchanged as compared to the previous reports.

2. As regards general information on Iceland and its people, the administration, and court system, the power to resolve whether human rights have been violated, and the applicability of international human rights conventions under national law, a reference is made to the core document concerning Iceland forming part of the reports of States parties (HRI/CORE/1/Add.26 of 24 June 1993) as these aspects remain unchanged if no particular observations are made to the contrary herein. Reference shall also be made in this respect to the general observations in Part I of the twelfth report (CERD/C/226/Add.12) and to the general observations in Part I of the fourteenth report (CERD/C/299/Add.4).

3. At the time of writing of the fourteenth report a new Personal Names Bill had been submitted to the Althing. The Bill now has been enacted as Act No. 45/1996. According to the new Personal Names Act, the duty of a foreigner to assume an Icelandic name on becoming an Icelandic citizen is abolished; both the naturalized person and his children can then retain their unchanged family names.

4. At the time of writing of the fourteenth report a Bill was in the making adding a new provision to the Penal Code. The Bill now has been adopted as Act No. 135/1996, amending the Penal Code. According to Act No. 135/1996 it is a punishable offence to deny an individual service or access to any place intended for use by the general public, such as restaurants, hotels, transport, theatres and other public places, on the grounds of colour, race, national origin and comparable considerations.

5. The Refugee Council, which the Government appointed in February 1995 with the participation of representatives from the Ministries of Foreign Affairs, Justice, Social Affairs, Education and Health Affairs and a representative from the Red Cross, has, inter alia, submitted proposals to the Government concerning annual quotas of refugees to Iceland. In October 1995 the Government decided to receive a group of 25 refugees from Bosnia in Iceland. That was the first time since 1991 that Iceland had received such a group of refugees. Since then Iceland has received groups of 20-25 refugees each year, most of them from the former Yugoslavia. The arrival of the latest group in Iceland is now being prepared in cooperation with local authorities in the country, regarding matters such as providing housing and employment,

arranging health care and other services they will need on their arrival. The Icelandic Red Cross in coordination with UNCHR is now deciding on the composition of the group.

6. A Bill on Aliens in Iceland has been submitted to Parliament. Its provisions apply to the right of foreigners to enter Iceland and their stay here. It is designed to secure the legal rights of foreigners who come to Iceland or leave it, stay here or apply for permits. The Bill furthermore contains provisions on the right to asylum for refugees and the protection of refugees and others against persecution. The Bill states the fundamental principle, subject however to the laws of Iceland currently in effect, that any foreigners lawfully staying in Iceland shall enjoy rights equal to those of Icelandic nationals. Some provision of current laws, to which no changes are planned, establish a legal status of foreigners different to that of Icelandic nationals. Examples of this are the Acts on Parliamentary and Municipal Elections, the Real Property Ownership and Use Act, and acts relating to employment, taxes and social security. As regards the substance of those acts, a reference is made to Iceland's earlier reports, where they are described.

7. As mentioned in the fourteenth report (para. 17), the Minister of Education appointed in the autumn of 1995 a committee to formulate an overall policy on immigrants in Iceland, with the participation of representatives from the Office of the Prime Minister and the Ministries of Foreign Affairs, Justice, Social Affairs and Education. The Committee's task was initially to collect information from various ministries, government institutions and other public and private bodies which deal with matters concerning immigrants and to analyse whether there are particular problems in this field that must be tackled through legislative, administrative or other measures.

8. On the basis of the collected information, the Committee submitted proposals to the Government to formulate a general policy on immigrants. This, inter alia, included proposals on how to organize special services for immigrants in the field of education and social support, the services of interpreters and other proposals aiming at improving the situation of immigrants in the country. The Committee's proposals are now under consideration with the Government.

9. It is evident that public interest and discussion on human rights has increased significantly in Iceland in the past few years. The conclusions of the Committee on the Elimination of Racial Discrimination concerning Iceland's fourteenth report under the Convention were distributed to all public media and all the most influential Icelandic media described the conclusions.

10. Various measures have been taken by the Government concerning the publication and distribution of international human rights conventions to which Iceland is a party, including the Convention on the Elimination of All Forms of Racial Discrimination. As regards publication and distribution, reference is made to the general observations in Part I of the fourteenth report (paras. 20-24).

11. As regards organizations operating in the field of human rights, reference is made to the general observations in Part I of the fourteenth report (paras. 25-29). The Human Rights Office receives financial support from the State, which was ISK 6 million for 1999, and ISK 4 million for 1998.

12. The next two pages show tables describing some relevant aspects of the demographic composition of the population in Iceland on 1 December 1997. They reveal on one hand the number of foreign nationals in Iceland and on the other hand the number of Icelandic citizens born abroad.

Population of Iceland at 1 December 1997,
by country of birth and country of citizenship:

Total population	272 381	
	Country of birth	Country of citizenship
Iceland	259 953	266 746
Other countries	12 428	5 635
The Nordic countries	**4 881**	**1 541**
Denmark	2 167	918
Finland	124	89
Faeroe Islands	311	-
Greenland	31	-
Norway	773	288
Sweden	1 475	251
Other European countries	**3 973**	**2 388**
Albania	7	6
Austria	67	34
Belarus	-	2
Belgium	55	34
Bosnia and Herzegovina	1	21
Bulgaria	45	29
Croatia	5	49
Czech Republic; Czechoslovakia	55	21
Estonia	10	14
France	214	103
Georgia	-	3
Germany	900	304
Greece	8	5
Hungary	56	40
Ireland	49	37
Italy	66	29
Latvia	3	3
Lithuania	13	21
Luxembourg	82	-
Malta	1	1
Netherlands	133	110
Portugal	70	73
Poland	820	735
Romania	15	10

Russian Federation; Soviet Union	177	99
Slovakia	-	11
Slovenia	-	7
Spain	123	78
Switzerland	74	28
The former Yugoslav Republic of Macedonia	-	3
Ukraine	3	15
United Kingdom	649	332
Yugoslavia	272	131
Americas	**1 730**	**772**
Brazil	17	13
Canada	181	60
Chile	29	16
Colombia	46	15
Guatemala	28	3
Mexico	28	17
Peru	21	13
United States	1 298	580
Other American countries	82	55
Africa	**285**	**133**
Algeria	20	10
Ethiopia	14	1
Cape Verde	28	16
Kenya	17	2
Morocco	52	30
South Africa	61	31
Other African countries	93	43
Asia	**1 469**	**739**
China	116	71
India	104	19
Indonesia	72	7
Iraq	9	4
Iran (Islamic Republic of)	20	6
Israel	20	5
Japan	40	20
Jordan	10	8
South Korea	30	2
Lebanon	17	2
Philippines	380	211
Sri Lanka	94	15
Syrian Arab Republic	11	5
Thailand	336	290
Turkey	24	5
Viet Nam	137	44
Other Asian countries	49	25

Oceania	**90**	**57**
Australia	50	28
New Zealand	40	27
Stateless persons	-	2

13. From the time Iceland's fourteenth report was prepared, the number of foreign nationals in Iceland has increased slightly. On 1 December 1991 foreign nationals in Iceland numbered 5,395 while on 1 December 1995 they numbered 4,807, but on 1 December 1997 they numbered 5,635. Of these approximately one third came from other Nordic countries, and approximately one third from other European countries.

14. At the same points in time, 10,565 Icelandic nationals had been born abroad as of 1 December 1991, 10,901 as of 1 December 1995 and 12,428 as of 1 December 1997. It should be noted that these figures include both those who were born abroad and acquired Icelandic citizenship at birth, and foreigners born abroad who subsequently acquired Icelandic citizenship.

15. For the purpose of comparison with figures from previous years, reference is made to the tables on the same subjects included in Part I of the twelfth and fourteenth reports.

II. INFORMATION RELATING TO THE IMPLEMENTATION OF ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

Paragraph 1

16. No legal provisions or regulations can be found in Icelandic laws which condone racial discrimination. Such a legal provision would clearly violate the equality protected in section 65 of the Constitution. Therefore, the courts would, through their judicial review, disregard or not apply such a provision, even though they could not formally invalidate it.

17. With reference to subparagraphs (a) and (b) of article 2, Icelandic authorities have neither undertaken to engage in any act or practice of racial discrimination nor supported any such activities.

18. Reference is made to paragraphs 35-37 of the fourteenth report.

Paragraph 2

19. As mentioned in the fourteenth report (para. 40), there have not been incidents or circumstances which have evolved in recent years indicating that some specific racial groups or individuals belonging to them need special protection, as described in the paragraph, more than other racial groups.

20. As also mentioned in the fourteenth report (para. 41), the language barrier is a problem common to most of the immigrants in the country without regard to their race, colour or ethnic origin. Therefore, measures taken by the authorities in this and other respects have aimed at solving the problems of immigrants in general. The appointment of a committee to formulate a

general policy on immigrants in Iceland, described in the fourteenth report (para. 41), was a step in this direction. The committee collected information from various ministries, government institutions and other public and private bodies which deal with matters concerning immigrants to analyse whether there are particular problems in this field which must be tackled through legislative, administrative or other measures. The committee's proposals are now under consideration with the Government.

Article 3

21. No particular legislative, judicial, administrative or other measures have been adopted in relation to this article of the Convention from the time Iceland's thirteenth report was finalized.

Article 4

22. As mentioned in paragraph 4 above, a Bill amending the Penal Code now has been adopted as Act No. 135/1996. According to section 180 of the Penal Code, it is punishable by fines or imprisonment for up to six years to deny an individual service or access to any place intended for use by the general public, such as restaurants, hotels, transport, theatres and other public places, on the grounds of colour, race, national origin and comparable considerations.

23. Act No. 135/1996 also mentioned section 233 (a) of the Penal Code, which stated that any person who, by mockery, slander, insult, threat or other means, publicly attacks a group of persons on the grounds of their nationality, colour, race or religion shall be liable to a fine or imprisonment for a term not exceeding two years. According to Act No. 135/1996 it is not only punishable to publicly attack a group of persons on the above-mentioned grounds but also a single person.

24. Other penalty clauses pertaining to this article have remained unchanged in Icelandic legislation since the thirteenth report was submitted.

Article 5

25. As mentioned in the fourteenth report (para. 61), one particular legal provision had been subject to criticism for discriminating between legitimate and illegitimate children born in Iceland who have a foreign mother. This provision, which was to be found in the Icelandic Nationality Act, has now been amended by Act No. 62/1998 which states that if an unmarried woman who is a foreign national has a child in Iceland, it shall acquire Icelandic citizenship if a man who is an Icelandic citizen is recognized as the father under the Children's Act. If an unmarried woman who is a foreign national has a child abroad by a man who is an Icelandic citizen, the father may, before the child reaches the age of 18, apply to the Ministry of Justice for the child to receive Icelandic citizenship, and shall consult the child if he is over the age of 12. If, in the opinion of the Ministry, he submits satisfactory evidence concerning the child and his paternity, the child shall acquire Icelandic citizenship on confirmation by the Ministry.

26. As discussed in the fourteenth report (para. 62), the Althing was considering a new rule expressly providing for the possibility of granting Icelandic nationality to a child born stateless in Iceland. This has now been done. According to Act No. 62/1998, amending the Icelandic Nationality Act, the Minister of Justice may grant Icelandic citizenship to a child born in Iceland who demonstrably did not acquire another nationality at birth and has not acquired it, or the right to acquire it, when his application for citizenship is submitted. The child shall have been domiciled and continuously resident in Iceland from birth for at least three years.

Article 6

27. As to the remedies through national tribunals and other State institutions against acts of discrimination, reference is made to paragraphs 22-37 and 54-60 of the twelfth report and paragraph 4 of the thirteenth report. The legislation concerning the Icelandic court system and the administrative system remains unchanged since the thirteenth report was finalized.

28. In this context can be mentioned Public Information Act No. 50/1996, which entered into effect on 1 January 1996. The Act makes it mandatory for administrative authorities to provide public access to material concerning particular matters, subject to certain limitations leading from considerations of, for example, State security, national defence and private, including financial, interests. The Act applies to State and municipal administrations, and to private parties to the extent they may have been entrusted with public power concerning the rights and duties of others. One limitation to the applicability of the Act is that it is subject to international agreements which may have been undertaken by Iceland. The chief purpose of the Act is to provide the public with opportunities for monitoring the activities of administrative authorities, either directly or through the public media, and thus to strengthen democratic methods of government and legal security in the public administration.

29. No cases, either civil or criminal case, have been brought before the courts in recent years concerning racial discrimination. According to information from the Ombudsman of the Althing, the Office has not received any complaint in recent years from individuals claiming that they have been discriminated against by the authorities on the grounds of race, colour or national or ethnic origin. The Children's Ombudsman has not initiated any special recommendations to the authorities on the basis of problems concerning racial discrimination or prejudices against children.

Article 7

30. As described in the fourteenth report (paras. 20-24), various measures have been taken in recent years to create and promote public awareness about human rights and international human rights instruments. These measures have been taken both by the authorities and several human rights organizations, particularly the Human Rights Office and Icelandic Save the Children. As regards these measures, reference is made to paragraphs 70-79 of the fourteenth report.

31. It should also be mentioned that the Icelandic authorities supported the publication in Iceland of the Universal Declaration of Human Rights on its fiftieth anniversary with a contribution of ISK 2 million. Even though the publication aimed at introducing the Declaration, it must be considered as an important step in promoting understanding, tolerance and friendship as a part of human rights evolution in Iceland.

32. Iceland's fifteenth report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination will be published at the homepage of the Ministry of Justice on the Internet and will also be sent to the public media, the Ombudsman of the Althing, the Children's Ombudsman, and human rights organizations in Iceland such as the Human Rights Office, the Red Cross and Amnesty International.